

AE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Jeffrey Rodney BERRY Plaintiff

RECEIVED

NOV 26 2007

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James B. Zagal

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DEFENDANT

07CV6640

JUDGE COAR

MAGISTRATE JUDGE KEYS

COMPLAINT

The Plaintiff is a CITIZEN OF THE STATE OF Georgia and born in the United States of America. The plaintiff is presently detained as a Political Prisoner in the Chicago Metropolitan Correctional Center, 71 West Vanburen St., Chicago, ILLINOIS, 60605

- 2 -

The defendant is a citizen of the State of ILLINOIS and has an office and place of doing business at 219 South Dearborn, Chicago, ILLINOIS, 60604 and elsewhere.

- 3 -

The matter in controversy exceeds \$75,000 seventy-five thousand United States dollars and concerns the life of the Plaintiff. Pursuant to Title 18 U.S.C. 4001 (2) "No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress."

(1)

-4-

This complaint is being Filed pursuant to Title 18 U.S.C. 245 (b)(1), (B)(E), (b)(2), (4)(A), (5), for the violation of the Plaintiff's Civil rights.

-5-

This complaint is being filed pursuant to Title 18 U.S.C. 2340 (1) and (2), torture of the Plaintiff due to his ethnic background.

-6-

This complaint is being Filed pursuant to Title 18 U.S.C. 1513 (e)³, retaliation for presenting the truth and evidence in the District Court.

-7-

This complaint is being Filed pursuant to Title 18 U.S.C. 242, for deprivation of rights under the color of law because of the Plaintiff's ethnic background.

-8-

This complaint is being Filed pursuant to Title 42 U.S.C 1981 and Title 42 U.S.C. 1982, discrimination, in which discrimination is a badge and incident of Slavery unlawful under the thirteenth Amendment of the United States Constitution.

-9-

This complaint is being Filed pursuant to Title 18 U.S.C. 2073, false entry of records.

-10-

This complaint is being Filed pursuant to Title 18 U.S.C. 201 (b)(2)(B), aiding and collude with fraud committed by the U.S. Attorney's office.

(2)

- 11 -

This complaint is being Filed pursuant to Title 18 U.S.C. 506, alters any seal of the United States of America to torture Plaintiff.

- 12 -

This complaint is being Filed pursuant to Title 18 U.S.C. 1589, abuse of law and abuse of legal process by threats and torture.

- 13 -

This complaint is being Filed pursuant to Title 18 U.S.C. 1590, kidnapping, and attempting to kidnap in order to silence the petitioner from reporting truthful documents and testimony in the District Court.

- 14 -

This complaint is being Filed pursuant to Title 18 U.S.C. 1592, (a), (3); peonage, slavery and involuntary servitude, and knowingly destroys, conceals, possesses passport to prevent Plaintiff from providing for his family.

- 15 -

This complaint is being Filed pursuant to Title 18 U.S.C. 1028 (a)(3), (d)(2)(B), the defendant planted over (s) five criminal convictions on the Plaintiffs history sheet illegally.

- 16 -

This complaint is being Filed pursuant to Title 18 U.S.C. 1924 (a), the defendant knowingly removes, conceals, suppresses with intent to retain such documents to torture and convict Plaintiff because of the plaintiff's background.

(3)

- 17 -

This complaint is being filed pursuant to Title 18 U.S.C. 371, two or more persons conspire to commit any offence against the United States Treasury Department and New York Federal Traders, both agencies of the United States.

- 18 -

The Plaintiff can show a pattern of corruption, with James B. Zagel, Judge of the District court in the Northern District, of Illinois.

- 19 -

The Plaintiff is a African American, born in the United States of America, having a Consulting company in the United Kingdom, Asia and elsewhere. At no time did the consulting company operate in America, or have any office, or any other representatives in America.

- 20 -

The defendant is a German National socialist, born in the era of Nazism, having a business as a District Judge in the City of Chicago as a Judge.

- 21 -

On April 16, 2004, James Zagel, acting Judge, stating in court transcripts referring to African American clerk; "The reason my clerk just went to "Fetch" the papers". Page 1 - line 7 through 10.

Fetch; vb - to go or come after and bring or take back, <teach a dog to Fetch a stick> The word, Fetch was pronounced distinctively.

- 22 -

The Petitioner can show, the following list of statements provided by James Zagal on the transcripts show a pattern of "racialism" - a theory that race determines human traits and capacities: "racism" - a belief that some races are by nature superior to others; also: discrimination based on such belief - racist - n. The Merriam-Webster Dictionary

- 23 -

The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974) states that "when a state officer acts under state law in a manner violative of the Federal Constitution, and is a subject in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the Supreme authority of the United States" By law, a Judge is a State officer.

- 24 -

Any Judge who does not comply with the oath to the constitution of the United States wars against that Constitution and engages in acts in violation of the Supreme Law of the Land. Whenever a judge acts where he does not have jurisdiction to act, the judge is engaged in an act of Treason. U.S. v. Wills 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980) Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821)

-25-

The Petitioner can show, (Zagzal) has made bias and racist statements since the beginning of pretrial and continued all the way through sentencing.

APRIL 16, 2004 - Page 4 - line 6 - Case 03-CR-961

THE COURT: "That there is a deal in the works to build airports in Kazakhstan, I am willing to concede. That there are construction contracts and discussions with various people -- that there are brochures prepared -- I am willing to concede that all of that has happened or will happen and is legitimate. What I am unprepared to accept is the necessity for your presence or your role in this deal".

Line 21 - The Court: "I understand you are listed. I understand your name is there".

Page 4 - line 24 -- The Court: "The Truth of the matter is, if you would have come to me and said -- I have this deal and it is a \$300,000 dollar deal, I think you might have been better off. You don't appear on the surface to have the wherewithal, or the background to be involved in a significant way in a deal of this size".

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This posture, to disregard facts, "is that which disqualifies judge is, condition of the mind, which sways judgment and renders judge unable to exercise his function impartially in this particular case. It refers to mental attitude or disposition of the judge

towards a party to the litigation, and not to any views that he may entertain regarding subject matter involved, State ex. Rel. Mitchell v. Sage Stores Co., 157 Kan. 622, 143 P.2d 652, 655."

- 27 -

The petitioner can show, in case U.S.A. v. Jeffrey Berry, 98-GJ-1400, which began on August 7, 1998 and Closed on August 7, 2003, due to lack of jurisdiction and no evidence of a crime. The petitioner presented a (25) page document on July 22, 2003, that provided evidence that Jeffrey Berry is established to underwrite projects with the largest Insurance companies in the world and the United States Treasury Department, representing account number 912810BU1.

- 28 -

In retaliation for thwarting, vb, the prosecutors fraudulent attempt to conceal, disguise, scheme, and falsify legal documents and attempted to suppress the nature, location, the source, the ownership or the proceeds of Treasury backed Bank Guarantees that were presented in the (25) twenty-five page package on July 22, 2003 before the "Special Grand Jury". (Zagel), took leadership role on July 16, 2004, in a plan to torture, kidnap, convict and sentence Jeffrey Berry without the benefit of trial. Under a staged "Mental Competency Exam", (Zagel) planted a sixth conviction on the history of Jeffrey Berry, who entered the (MCC) Chicago as a Category III and existed after

(56) Fifty six days as a Category IV career criminal. This is a very well documented criminal act that was planned, carried out and evidenced on the docket, by Warden Graber and by Congressman Rush that Jeffrey Berry was convicted in May 2004.

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The petitioner can show, between August 7, 1998 and March 22, 2007, hundreds of pages of documents, contracts, brochures, invitations, business plans, Bank Guarantees, Certificate's of Deposits, Advance Payment Guarantee's were presented to the F.B.I. agent Paul Dobervits in the form of motions, to (Zagal) in the form of motions and all of the evidence was concealed, suppressed and mutilated to secure a conviction.

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The petitioner can show, in docket 82, page 2 paragraph 3 "July 2006, (Zagal)" I note that the challenged rulings all address the question of the ability of the defendant to travel abroad. I have expressed no view on the merits of the charges against him, which only involve past conduct on which no evidence has been presented".

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"A Judge cease to sit as a judicial officer because the governing principle of administrative law provides that courts are prohibited from substituting their evidence, testimony, record, arguments, for that of the agency"
 ASIS v. U.S. 568 F 2 284

- 32 -

The petitioner can show, (Zagel) has committed perjury since April 16, 2004 and has continued to do so to cover each lie and tort introduced. After years of presenting contracts, brochures and relevant evidence that can be verified in over ten motions to the Court, one motion to Recuse and a judicial misconduct complaint. Even after stating on the record, April 16, 2004, July 16, 2004 Testimony and many documents and contracts presented to the courts, (Zagel) states on August 9, 2006, page 1, line 1 para. 2 - "All of this is based solely upon Defendant's own account of his situation. With respect to his upcoming business deal, despite the fact that some documents must surely exist, Defendant has not shown any proof of these contract negotiations". Page 2 line 3 para. 2 (Zagel) "He could have supported his motion with reliable documents and witness statements, but has never done so. He only offers conclusions and corroborates none of them". (Please see # 25 herein)

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All these acts, are based on a racist judge, who in his own words states: (See number 21 and 25 herein)... to deny Jeffrey Berry his legal right to make and enforce contracts and receive security of persons and property as enjoyed by white Citizens and to enforce the petitioners right to purchase, sell, receive, hold, and convey personal property on the same bases as white citizens. AND, has intentionally broken the laws, usurps the United States Constitution to punish a innocent minority citizen.

-34-

This complaint is for a injunction and other affirmative relief against discrimination, which discrimination is a badge of Slavery, unlawful under the thirteenth Amendment to the constitution of the United States. The First Amendment provides, no laws shall abridge the freedom of speech, and to petition the Government for a redress of grievance, the eighth Amendment provides security from cruel and unusual punishment.

-35-

The petitioner can show, since August 7, 1998, until today, on October 6, 2003 or before, Judge (Zagel) assumed a leadership role in racketeering in violation of Title 18 U.S.C. 1961 (3),(4) and (5). With full knowledge of case 98-45-1400, the double jeopardy clause protects against a second prosecution for the same offense after acquittal, or after conviction, and multiple punishments for the same offence. U.S. v. Asher 96 F. 3d 270, 273 (7th Cir. 1996)

Evidence: Abuse of discretion. U.S. v. Curry, 79 F. 3d 1489, 1494 (7th Cir. 1996)

-36-

The petitioner can prove, (Zagel) has intentionally abused the U.S. constitution, his oath to office, the Federal laws, Amendments and the petitioner, because of the skin color on the "surface" and the hereditary heritage of the petitioner, Jeffrey Berry.

-37-

Therefore, the United States Constitution clearly states, No State shall enforce laws which shall abridge the privilege and immunity of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process.

-38-

Pursuant to Title 2073, whoever, being an Officer, clerk, agent, or other employee of the United States or any of its agencies, charged with the duty of keeping records of any kind, with intent to deceive, mislead, injure, or defraud, makes any such account or record any false or fictitious entry of record of any matter relating to or connected with their duties, shall be fined under this title or imprisoned not more than 10 years, or both. (June 25, 1948 C. 645, 62 Stat. 795) (Title 18 U.S.C. 2073 → on line 1)

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The Petitioner seeks damages that are reflected in cases: Jeffrey Berry v. Citibank, 99 CV 7555

: Jeffrey Berry v. U.S.A. and Judge Zagel 07-1612 and any and all punitive damages that are reflected from evidenced losses in case 03-CR-961, U.S.A. v. Jeffrey Berry. (07 CV 1612)

-40-

The petitioner further declares, on November 6, 2007, attorney John A. Meyer appeared before Judge James B. Zagel and granted permission to proceed in forma pauperis.

THE PETITIONER'S CLAIM

-41-

Judge James B. Zagal has prosecuted, Judged and sentenced Jeffrey Berry because Jeffrey Berry is a African American who has Achieved status in global humanitarian Trusteeship, that only white citizens have accomplished to date. On the record, in his person, under the Color of law, James B. Zagal maliciously and intentionally planned and schemed to prevent Jeffrey Berry from managing the following port folio, and James B. Zagal's only motive was clearly explained April 16, 2004.

"The truth of the matter is, if you had come to me and said-- I have this deal and it is a \$ 300,000 dollar deal, I think you might have been better off. You don't appear on the surface, to have the wherewithall or the background to be involved in a significant way in a deal of this size."

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This racist statement was made when James B. Zagal realized, pursuant to RULE 401, he witnessed, Relevant Evidence, meaning evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable than it would be without the evidence.

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Judge (Zagal) while holding evidence: "I understand you are listed. I understand your name is there." - But - "What I am Unprepared to accept is the necessity for your presence or your role in this deal."

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In conclusion, the petitioner contends, Judge James B. Zagel and anyone who assisted him as a banker, clerk, prosecutor or magistrate, maliciously prosecute, torture and enslave the petitioner because of his background should personally and in the professional capacity be held responsible to the United States Treasury Direct systems, in which Jeffrey Berry was beneficiary of account 912810BU1; (210 million) plus...

- 1) BANK Guarantee 10 million dollars U.S. currency,
 - 2) BANK Guarantee 100 million dollars U.S. currency,
 - 3) Bank Guarantee 100 million dollars U.S. currency,
- plus punitive damages caused the petitioner.

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The petitioner further concludes, Judge James B. Zagel and anyone who assisted him as Banker, clerk, prosecutor or magistrate, shall duly be held responsible for Federal contract between Nicholas Attick and Jeffrey Berry, drafted by Attorney Gerald Shaw in whole as follows: 1) Atlantic Union Trading Co: 550 million Euros,

- 2) Chase Manhattan CO : 500 million U.S.D.,
- 3) Chase Manhattan CO : 500 million C.S.D.,

plus punitive damages caused by the petitioner.

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The petitioner concludes, evidence of entire contract, investments and authorities are listed in cases: 99 CV 7555, Jeffrey Berry v. Citibank; 07-CV-1612, Jeffrey Berry v. U.S.A. v. Citibank f.s.b., all in the 7th Cir.

Respectfully Submitted,

Jeffrey R. Berry

I swear under penalty of perjury, that the aforementioned information is true and can be verified in transcripts, motions and during pre-trial and trial.

The petitioner prays, Rule 102 of the Federal rules apply to secure fairness in administration, elimination of unjustifiable expense and delay and promotion and growth and development of the law of evidence to the end that the "TRUTH" may be ascertained and proceedings justly determined as provided in Rule 101.

The petitioner prays, this complaint is accepted and James B. Zagel is held responsible for his intentional Torts, malicious behavior, excavation of evidence to conceal his criminal activities and indicted based on all counts reflected on the record.

Because of James B. Zagel's origin, his quest for White Supremacy is highlighted in case 03-cr-961, and his concealment, suppression and mutilation of all favorable evidence was to hide the facts underlying the claim, if proven and viewed in light of evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinding Jury would have found the applicant guilty of the underlying offence, this being supported, pursuant to Title 28 U.S.C. 2244 (B)(ii).

(PSALM 140)

(14)